

REMARKS/ARGUMENTS

I. Status of the claims

With entry of this Amendment, claims 34 and 47 are amended and claims 35-37 and 40 are canceled. Claims 34, 38-39 and 47-52 are pending.

II. Support for the amendments

The amendments merely cancel subject matter from the claims. No new matter is added.

III. Rejections under 35 U.S.C. § 112, first paragraph

Claims 34-35, 38-40 and 51-52 were rejected as allegedly not meeting the enablement and written description requirements. Applicants respectfully traverse the rejections.

As amended, the limitations of claims 36 and 37 are incorporated into claim 34. As claims 36 and 37 were not rejected, it is Applicant's understanding that amended claim 34 is now allowable.

As discussed with the Examiner, claim 47 incorporates the same scope limitations as issued U.S. Patent No. 6,476,296. It is Applicant's understanding that this claim scope is allowable.

In view of the amendments and remarks above, withdrawal of the rejections is respectfully requested.

IV. Obviousness-type double patenting rejection

Claims 47-52 were rejected under the doctrine of obviousness-type double patenting in view of US Patent No. 6,476,296. Applicants submit a terminal disclaimer with this Amendment. The terminal disclaimer disclaims the terminal portion of the term of a patent granted on the instant application over U.S. Patent No. 6,476,296. Applicants note that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an

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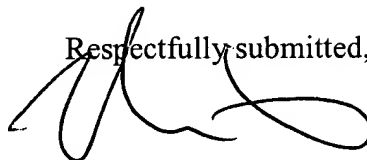
admission of the propriety of the rejection. *See*, MPEP §804.02. Withdrawal of the rejection is requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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Attachments
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